



Smucker Quality Beverages, Inc.
Chico, California

November 7, 2005

Arthur Neal, Director of Program Administration
National Organic Program, USDA-AMS-TMP-NOP
1400 Independence Ave. S.W.
Room 4008-So., Ag Stop 0268
Washington, DC 20250

Email Comments: National.List@usda.gov

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Dear Mr. Neal and National Organic Program,

Please accept these written comments on the proposed rule published in the federal register on September 16, 2005 – docket number TMD-04-01.

Topics: Egg White Lysozyme, L-Malic Acid, and Microorganisms.

Section: 205.605(a)

Comment: We support the addition of Egg White Lysozyme, L-Malic Acid and Microorganism to Section 205.605(a) of the National List.

Topics:

Activated charcoal – annotation: only from vegetative sources; for use only as a filtering aid in handling agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Ammonium hydroxide – annotation: for use only as a boiler water additive until October 21, 2005. Restricted to handling agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Cyclohexylamine - annotation: for use only as a boiler water additive for packaging sterilization. Restricted to handling agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Diethylaminoethanol - annotation: for use only as a boiler water additive for packaging sterilization. Restricted to handling agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Octadecylamine - annotation: for use only as a boiler water additive for packaging sterilization. Restricted to handling agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Peracetic acid/Peroxyacetic acid – annotation: for use in wash and/or rinse water according to FDA limitations. For use as a sanitizer on food contact surfaces. Restricted to handling

agricultural products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Tetrasodium pyrophosphate – for use only in meat analog products labeled “made with organic (specified ingredients or food group(s)); “Prohibited in handling agricultural products labeled “organic.”

Section: 205.605(b)

Comment:

From October 2000 through April 2004 the NOSB voted to recommend that **Activated Charcoal**, **Ammonium hydroxide** , **Cyclohexylamine**, **Diethylaminoethanol**, **Octadecylamine** **Peracetic acid/Peroxyacetic acid** and **Tetrasodium pyrophosphate** be added to section 205.605(b) for use in handling agricultural products labeled “organic”. In proposed rule docket number TMD-04-01 the Secretary amends the NOSB recommendation for use only in the “made-with” label and prohibits their use in the “organic” label.

If this recommendation is enforced then severe commercial disruption will take place for current products certified under the “organic” label. Up to date, some of these materials may have been allowed under the Food Contact Substance Policy dated December 12, 2002 (see NOSB recommendation dated April 15, 2004). For example;

- Activated Carbon is used as a filtering agent during the processing of organic white grape juice concentrate. Organic White Grape Juice is used as a sweetener in many products such as beverages; candies, yogurts, chocolates, etc. ;
- Peroxyacetic acid is currently used in most food processing facilities as a sanitizer for fresh fruits/vegetables and on processing equipment.
- Boiler Chemicals are used to temper glass during the manufacturing of most products packaged in glass packaging.

While we acknowledge, that at the time of this federal register posting, the Secretary and National Organic Program was to recognize and comply with the court order regarding Arthur Harvey v. Veneman/Mike Johanns dated June 9, 2005. However, recent legislation on which the court order was based has been amended. We support any clarification to the agency’s approach to synthetic materials that brings it into compliance with amendments to OFPA, including any needed steps in the US District Court. To the extent that the amendments restored the use of synthetics in the “organic” label, we ask the final agency action on these materials reflect the new development.

We strongly encourage the Secretary and National Organic Program to be consistent with the recommendations of the National Organic Standards Board and allow these materials to be used in the “organic” label.

Sincerely,

Kim Dietz
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